

REMARKS

New claims 9-23 have been added. No claims have been amended or cancelled. Support for these amendments may be found throughout the instant specification, but particularly at claim 3 at compound (21), Example 47 at pages 123-124, pages 164-166 and the test results presented in the present specification.

In the Office Action, claim 3 has been rejected on the ground of non-statutory obviousness-type double patenting over claims 1-3 of U.S. Patent No. 7,494,997 (the "'997 patent"). This rejection is respectfully traversed. As even the Examiner notes, the instantly claimed compounds are different from the compounds claimed in claims 1-3 of the '997 patent. Moreover, referring to claim 1 of the '997 patent, it is not seen where that claim provides for R2=hydrogen or R3=alkyl, contrary to the Examiner's assertion. Accordingly, reconsideration of this rejection and withdrawal of same are respectfully requested.

A good faith effort has been made to place this application in condition for allowance. If the Examiner has any questions or comments, the Examiner is invited to contact the undersigned to discuss the matter.

Please deduct the three month extension of time fee of \$1,110.00, a multiple dependent claim fee of \$390.00 and an excess claim fee (3 excess claims) of \$156.00, plus any additional fees due, from our Account No. 20-1507.

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Respectfully submitted,

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